

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

GUILLERMO NINO-MATA	§	
VS.	§	CIVIL ACTION NO. 1:17-CV-361
UNITED STATES OF AMERICA	§	

MEMORANDUM OPINION REGARDING TRANSFER

Movant, Guillermo Nino-Mata, an inmate currently confined at the Oakdale Federal Detention Center in Oakdale, Louisiana, proceeding *pro se*, filed this motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255.

The above-styled action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

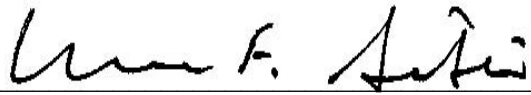
A movant may file a § 2255 motion only in the court that imposed the challenged judgment. See 28 U.S.C. § 2255(a); *United States v. Weathersby*, 958 F.2d 65, 66 (5th Cir. 1992). The United States District Court for the Eastern District of Texas, Sherman Division, entered judgment against movant for conspiring to possess with the intent to distribute methamphetamine. See *United States v. Nino-Mata*, Cause No. 4:13-CR-268 (E.D. Tex. Mar. 18 2015). After an unsuccessful direct appeal, movant filed the above-referenced motion to vacate, set aside, or correct sentence in Northern District of Texas, Dallas Division. *United States v. Nino-Mata*, 668 F. App'x 567 (5th Cir. 2016). The Northern District of Texas, Dallas Division, transferred the motion to vacate, set aside, or correct sentence to the Eastern District of Texas, Beaumont Division, in error.

Because the Eastern District of Texas, Sherman Division, entered the judgment that movant challenges, this actions should be transferred to the Sherman Division.

Conclusion

This motion to vacate, set aside, or correct sentence filed pursuant to 28 U.S.C. § 2255 should be transferred to the Eastern District of Texas, Sherman Division for hearing and determination as movant was convicted in the Sherman Division. An order transferring the case will be entered by the undersigned.

**SIGNED this the 24th day of August, 2017.**

A handwritten signature in black ink, appearing to read "Keith F. Giblin", written over a horizontal line.

KEITH F. GIBLIN  
UNITED STATES MAGISTRATE JUDGE